

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59169 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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1. Ramashish Yadav @ Ram Ashish Yadav, Male, aged about 47 years, son of Late Prabhu Yadav,
 2. Ramkumar Yadav @ Ram Kumar Yadav, Male, aged about 27 years, son of Ram Sikil Yadav,
Both resident of Village- Kumbhi, Ward No.-12, PS- Cheria Bariarpur Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Ram Naresh Ray, APP
For the OP No.2	:	Mr. Bubneshwar Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State as well as learned

counsel for the informant.

2. The petitioners apprehend arrest in connection with

Cheria Bariarpur PS Case No.71 of 2024 dated 31.03.2024,

instituted under Sections 147, 149, 323, 341, 385, 379, 325, 427,

307/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on the alleged

date of occurrence the petitioners along with others came armed

with *lathi*, *danda* and sword to the house of the informant and

started abusing. Ramashsish Yadav, petitioner no.1, told that he



had asked *rangdari* of one lakh rupees which has not been paid, and today they would loot the house of the informant. Kari Yadav tried to stop then co-accused, Ram Sikil Yadav, hit with *lathi* on the head of the Kari Yadav, which hit the neck of the Kari Yadav and when Puja Kumari went to rescue then Ram Kumar Yadav, petitioner no.2, made Puja Kumari half necked and snatched the gold chain and ear ring of her. Co-accused Purshootam Yadav fractured the hands of Puja Kumari. Ramashish Yadav, petitioner no.1, assaulted Dhakni Devi who later on became unconscious. Meena Devi assaulted Neelam Devi. Co-accused Ram Sikit Yadav attacked with sword to Umashankar Yadav, informant. Then the informant had fallen down and could rescue himself. Then all the accused assaulted the informant. Sarita Devi was also assaulted with iron rod. Ramashsish Yadav, petitioner no.1, broke open the lock and took documents of the land and Rs. 3000/- cash.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the allegation against petitioner no. 2 is that he assaulted Sarita Devi causing fracture injury in her hand and also assaulted niece of the informant and tried to outrage her modesty as well as snatched earrings. Petitioner no.1 is said



to have assaulted Dhakni Devi with intention to kill her and she became unconscious. The injury report of both the injured suggests otherwise, inasmuch as, both have sustained injury on non-vital parts of the body. Injured Sarita Devi has suffered pain and tenderness as also swelling in the hand and pain in dorsolumbar spine and on radiological investigation it appeared that she has suffered fracture in 2nd, 3rd, and 4th metacarpal bone and the nature of injury was grievous. Injured Dhakni Devi has also suffered dislocation of metacarpophalangeal joint and her nature of injury was also grievous. It is further submitted that there is case and counter case between the parties. Both the sides are agnates. The petitioners side have also lodged a complaint bearing Complaint Case No.66/C of 2024 against the informant and his family members. There is land dispute between the parties. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Manjhaul, in Cheria Bariarpur PS Case No.71 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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